

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1056**

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**Introduced by Assembly Member Jones**

February 22, 2013

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An act to ~~amend Section 39510 of~~ *add Section 38575* to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1056, as amended, Jones. State Air Resources Board: *market-based compliance mechanism.*

*The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board, known as ARB, by regulation, to adopt a market-based compliance mechanism to further the achievement of the statewide greenhouse gas emissions limits.*

*This bill would require the board, if the board adopts a market-based compliance mechanism that provides for the auctioning of greenhouse gas allowances, to provide quarterly reports to certain committees of the Legislature regarding the auction, as specified.*

~~Existing law establishes the State Air Resources Board in the California Environmental Protection Agency and requires the state board to consist of 12 members appointed based on certain qualifications.~~

~~This bill would make nonsubstantive changes to the provision relating to the membership of the state board.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 38575 is added to the Health and Safety*  
2     *Code, to read:*

3     38575. *If the state board adopts a market-based compliance*  
4     *mechanism pursuant to this part that provides for the auctioning*  
5     *of greenhouse gas allowances, the state board shall provide*  
6     *quarterly reports to the appropriate legislative and budget*  
7     *committees of the Legislature no later than one week following*  
8     *each auction. The report shall include all of the following*  
9     *information for each auction:*

10    (i) *The total number of allowances available for sale.*

11    (j) *The total number of allowances sold.*

12    (k) *The breakdown of the number of allowances sold that were*  
13    *consigned by electrical utilities in comparison to the number of*  
14    *allowances not freely allocated by the state board to the utilities.*

15    (l) *The market clearing price per allowance.*

16    (m) *The percentage of allowances sold to a covered entity or an*  
17    *opt-in covered entity.*

18    (n) *The total revenue generated from allowances consigned by*  
19    *electrical utilities.*

20    (o) *The total revenue generated from allowances not freely*  
21    *allocated by the state board to the utilities.*

22    ~~SECTION 1. Section 39510 of the Health and Safety Code is~~  
23    ~~amended to read:~~

24    ~~39510. (a) The State Air Resources Board is continued in~~  
25    ~~existence in the California Environmental Protection Agency. The~~  
26    ~~state board shall consist of 12 members.~~

27    ~~(b) The members shall be appointed by the Governor, with the~~  
28    ~~consent of the Senate, on the basis of their demonstrated interest~~  
29    ~~and proven ability in the field of air pollution control and their~~  
30    ~~understanding of the needs of the general public in connection~~  
31    ~~with air pollution problems.~~

32    ~~(c) Six members shall have the following qualifications:~~

33    ~~(1) One member shall have training and experience in~~  
34    ~~automotive engineering or closely related fields.~~

35    ~~(2) One member shall have training and experience in chemistry,~~  
36    ~~meteorology, or related scientific fields, including agriculture or~~  
37    ~~law.~~

1 ~~(3) One member shall be a physician and surgeon or an authority~~  
2 ~~on health effects of air pollution.~~

3 ~~(4) Two members shall be public members.~~

4 ~~(5) One member shall have the qualifications specified in~~  
5 ~~paragraph (1), (2), or (3) or shall have experience in the field of~~  
6 ~~air pollution control.~~

7 ~~(d) Six members shall be board members from districts who~~  
8 ~~shall reflect the qualitative requirements of subdivision (c) to the~~  
9 ~~extent practicable. Of these members:~~

10 ~~(1) One shall be a board member from the south coast district.~~

11 ~~(2) One shall be a board member from the bay district.~~

12 ~~(3) One shall be a board member from the San Joaquin Valley~~  
13 ~~Unified Air Pollution Control District.~~

14 ~~(4) One shall be a board member from the San Diego County~~  
15 ~~Air Pollution Control District.~~

16 ~~(5) One shall be a board member from the Sacramento~~  
17 ~~Metropolitan Air Quality Management District, the Placer County~~  
18 ~~Air Pollution Control District, the Yolo-Solano Air Quality~~  
19 ~~Management District, the Feather River Air Quality Management~~  
20 ~~District, or the El Dorado County Air Pollution Control District.~~

21 ~~(6) One shall be a board member of any other district.~~

22 ~~(e) A vacancy shall be filled by the Governor within 30 days of~~  
23 ~~the date on which it occurs. If the Governor fails to make an~~  
24 ~~appointment for a vacancy within the 30-day period, the Senate~~  
25 ~~Committee on Rules may make the appointment to fill the vacancy~~  
26 ~~in accordance with this section.~~

27 ~~(f) While serving on the state board, all members shall exercise~~  
28 ~~their independent judgment as officers of the state on behalf of the~~  
29 ~~interests of the entire state in furthering the purposes of this~~  
30 ~~division. A member of the state board shall not be precluded from~~  
31 ~~voting or otherwise acting upon a matter solely because that~~  
32 ~~member has voted or acted upon the matter in his or her capacity~~  
33 ~~as a member of a district board, except that a member of the state~~  
34 ~~board who is also a member of a district board shall not participate~~  
35 ~~in an action regarding his or her district taken by the state board~~  
36 ~~pursuant to Sections 41503 to 41505, inclusive.~~